

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	CASE NO. 4:05CR3094
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER PURSUANT TO
	)	FRAP 4(b)(4) EXTENDING
MICHAEL JAMES JACKSON,	)	FILING DEADLINE
	)	
Defendant.	)	

This matter comes before the Court on a motion filed on behalf of Michael James Jackson seeking an order extending the filing deadline for a notice of appeal pursuant to FRAP 4(b)(4). Mr. Jackson seeks to establish good cause to extend the time within which to file a notice of appeal so that he can properly perfect his appeal in this case. Defendant has attached a new notice of appeal to his motion. This Court has reviewed the docket sheet and finds that the Rule 35(b) motion was granted and Defendant was resentenced on March 18, 2008. His attorney did not file a notice of appeal until April 1, 2008, which is out of time.

In support of his showing of good cause Defendant has alleged that his attorney of record at the Rule 35 hearing was battling serious medical issues which caused him to not be readily accessible when the Defendant made the decision to appeal. Further, claims that he informed his attorney about his decision to appeal after the hearing rather than during the hearing. Finally, Defendant's attorney was purportedly out of town for a portion of the time between the hearing on the Rule 35 motion and the filing of the late notice of appeal.

The motion seeking relief has been filed within the time frame permitted by FRAP 4(b)(4). I also find that there is no realistic possibility of prejudice to the

prosecution considering Defendant asserts that the assigned prosecutor does not oppose his motion.

Accordingly, I find good cause to excuse the late filing and order that the deadline for filing a notice of appeal is extended to April 10, 2008. The Clerk is also instructed to file the notice of appeal and information sheet attached to Defendant's motion forthwith. Dated this 9<sup>th</sup> day of April, 2008.

s/ Warren K. Urbom  
United States Senior District Judge